

DOCKET NO.: PH 7287 NP
USSN: 10/697,545

REMARKS

Status

Upon entry of the amendments, Claims 1-9 and 19-23 will be pending in this application. Claims 10-14 are withdrawn from consideration. Claims 15-18 have been canceled without prejudice or disclaimer to resubmission in a later application. Support for the new claims can be found in the original claims and throughout the specification. No new matter will be added upon entry of the amendments.

Restriction

The Examiner has required restriction in the above-identified application and has divided the claims into four groups as described in the Office Action. Applicants have elected, with partial traverse, Group I, for examination purposes only.

Applicants traverse the restriction between Group I and Group II & III on the grounds that no materially different product has been shown for which process can be practiced. Applicants respectfully request that Groups II & III be rejoined once the subject matter of Group I has been determined to be allowable. Process claims of Groups II & III include all of the limitations of product claims of Group I. Their rejoinder, therefore, will be proper under MPEP 821.04.

Species Election

Applicants have elected, with traverse, the species of Example 42, for examination purposes only. Claims 1-2, 8-9 and 19-23 are readable on the elected species.

Applicants respectfully traverse the requirement for an Election of Species on the grounds that no reasons have been provided by the Examiner to show that there would be a serious burden placed on the Examiner if restriction were not required (MPEP 803).

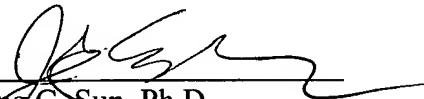
Applicants respectfully request that, should the Examiner find the elected species allowable, the search be extended, since Applicants are entitled to consideration of claims to a reasonable number of disclosed species in addition to the elected species as provided for under 37 CFR 1.146.

DOCKET NO.: PH 7287 NP
USSN: 10/697,545

In view of the foregoing, Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. If the Examiner has any questions or believes further discussion will aid examination and advance prosecution of the application, a telephone call to the undersigned is invited.

Respectfully submitted,

Date: December 2, 2005



Jing G. Sun, Ph.D.
Registration No. 45,914
Telephone No. (609) 252-3791
Facsimile No. (609) 252-4526

Please forward all future written correspondence relating to this application to:

Louis J. Wille
Patent Department
Bristol-Myers Squibb Company
P.O. Box 4000
Princeton, NJ 08543-4000